

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RALPH TANCREDI, EDWARD ARCE,  
WILLIAM C. DUFFELMEYER, ARTHUR  
MARINELLI, STEVEN HEISLER, JEFF  
NARDI, STEPHEN CARPINIELLO, PETER  
DeVITTORIO, MICHAEL MARINELLI and  
MICHAEL WALTHER,

Plaintiffs,

**Civil Action No. 07-9617  
(WAC) (LMS)**

- against -

**NOTICE OF MOTION**

STEPHEN MALFITANO, individually,  
JOSEPH CANNELLA, individually,  
THOMAS SCAPPATICCI, individually,  
DOMINICK PASCALE, individually,  
DAVID HALL, individually, and the  
TOWN/VILLAGE OF HARRISON, New York,

Defendants.

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PLEASE TAKE NOTICE that upon the annexed affidavit of Mark N. Reinharz and exhibits thereto and Memorandum of Law and all other papers filed herein, the Defendants Stephen Malfitano, Joseph Cannella, Thomas Scappaticci, Dominick Pascale, David Hall, and the Town/Village of Harrison, by their attorneys, Bond Schoeneck & King, PLLC, will move before this Court before the Honorable William C. Conner, United States District Court Judge for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 on a date and time to be determined by the Court for an order pursuant to 42 U.S.C. § 1988 and 28 U.S.C. § 1927 granting the Defendants' application for attorneys' fees and any other relief this Court deems appropriate, equitable and proper.

PLEASE TAKE FURTHER NOTICE that any answering papers must be filed by September 17, 2008. Any reply shall be filed on or before September 29, 2008.

Dated: Garden City, New York  
August 20, 2008

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC

By: s/Mark N. Reinharz  
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To: Jonathan Lovett, Esq.  
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## CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2008, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic service upon the following parties and participants:

Jonathan Lovett, Esq.  
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